

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

MAURICE JOHNSON,

Petitioner,

v.

**Civil Action No. 3:07CV50
Criminal Action No. 3:02CR64-04**

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT

On this day, the above-styled matter came before the Court for consideration of the petitioner's Motion to Alter or Amend Judgment Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure [Crim. Doc. 648]. In his motion, which seeks reconsideration of the Court's Order Adopting the Report and Recommendations [Crim. Doc. 646 ; Civ. Doc. 6], the petitioner states that the Court committed clear error where it found that the petitioner sought to raise new claims with his Objections [See Crim. Doc. 645 ; Civ. Doc. 5] to the R & R. Rather, the petitioner argues that the Objections were only directed at the magistrate's R & R.

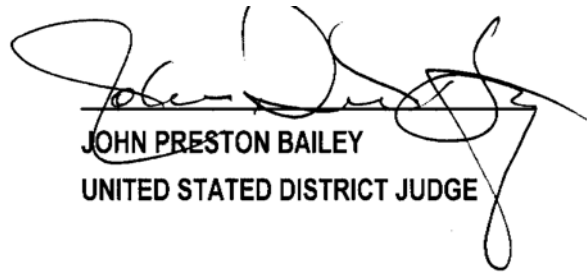
Having reviewed the above, this Court finds that in the Order Adopting the R & R, the Court addressed the petitioner's objections to the R & R and found them without merit. As to the "new claims" the petitioner attempted to raise via his Objections, the Court additionally dismissed these as untimely because they did not relate back to the original petition, which the Court notes, was also untimely. The Court finds no error. Accordingly,

the Motion to Alter or Amend Judgement Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure [Crim. Doc. 648] is **DENIED**.

It is so **ORDERED**.

The Clerk is directed to mail a true copy of this Order to the *pro se* petitioner, and to transmit copies to all counsel of record herein.

DATED: January 25, 2008.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE